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In re Application of	:	
OKAMOTO et al.	:	
Application No.: 10/552,939	:	DECISION ON
PCT No.: PCT/JP2004/005760	:	
Int. Filing Date: 22 April 2004	:	PETITION UNDER
Priority Date: 24 April 2003	:	
Attorney Docket No.: 3400.P1424US	:	37 CFR 1.181
For: SEPARATING AGENT FOR	:	
ENANTIOMERIC ISOMERS	:	

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.181" filed 17 October 2005.

BACKGROUND

On 22 April 2004, applicant filed international application PCT/JP2004/005760 which designated the U.S. and claimed a priority date of 24 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 November 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 October 2005.

On 11 October 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, a declaration of inventors, and a purported English translation of the international application.

On 17 October 2005, applicant filed the instant "PETITION UNDER 37 CFR 1.181" requesting that the accompanying English translation be substituted for the purportedly defective English translation filed 11 October 2005 and that the accompanying "Amendment Before First Office Action" be entered.

DISCUSSION

Upon review of the application file and the published international application, it is apparent that the translation of claim 9 in the English translation filed 11 October 2005 was incorrect. The English translation filed 17 October 2005 is correct.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The English translation of the international application filed 17 October 2005 will be used rather than the translation filed 11 October 2005. Additionally, the amendment to the claims filed 17 October 2005 will be entered rather than the amendment filed 11 October 2005.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date no earlier than **17 October 2005**.



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